

Libertyville, IL

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AUTO NATION, INC. AND VILLAGE MOTORS,  
LLC, D/B/A LIBERTYVILLE TOYOTA

and

Case 13-CA-063676

AUTOMOBILE MECHANICS LOCAL NO. 701,  
INTERNATIONAL ASSOCIATION OF MACHINISTS  
AND AEROSPACE WORKERS, AFL-CIO

ORDER DENYING MOTION<sup>1</sup>

The Respondent's motion for reconsideration of the Board's Decision and Order reported at 360 NLRB No. 141 (2014) is denied. The Respondent argues why it disagrees with the Board's decision, but the Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.<sup>2</sup>

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> The Board rejected the Respondent's argument that it lawfully terminated Jose Huerta in September 2011 and ordered the traditional remedies for an unlawful discharge, including that the Respondent offer Huerta reinstatement and make him whole for any loss of earnings. To the extent that the Respondent now argues that subsequent events would have resulted in Huerta's lawful discharge or would otherwise have ended the backpay period, these arguments may be raised and litigated in the compliance proceeding. See, e.g., *Intermet Stevensville*, 350 NLRB 1270, 1275 fn. 21 (2007) (allowing respondent to offer evidence at compliance stage to mitigate backpay if employees would have been lawfully laid off or reassigned).

Member Miscimarra dissented from the majority's findings that the Respondent violated Sec. 8(a)(1) by making an implied promise of wage increases, and Sec. 8(a)(3) and (1) by discharging employee Jose Huerta. See *Libertyville Toyota*, 360 NLRB No. 141, slip op. at 8-12 (2014). He adheres to his dissent on those two issues. However, he joins his colleagues in finding that the Respondent has not identified any grounds

Dated, Washington, D.C., October 20, 2014.

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Philip A. Miscimarra, Member

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Kent Y. Hirozawa, Member

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Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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warranting reconsideration under Sec. 102.48(d)(1) of the Board's Rules and Regulations.